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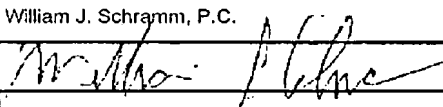
Total Number of Pages in This Submission

Application Number	10/675,138
Filing Date	09/30/2003
First Named Inventor	Harjula
Art Unit	1724
Examiner Name	Cintins
Attorney Docket Number	7212.3001.002

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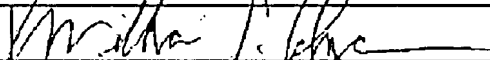
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	Reply Brief	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	William J. Schramm, P.C.		
Signature			
Printed name	William J. Schramm		
Date	April 25, 2007	Reg. No.	24,795

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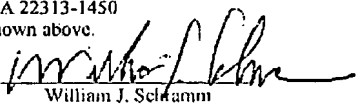
REPLY BRIEF

Applicant: Risto Olavi Harjula
Serial No.: 10/675,138
Filed: September 30, 2003
For: ANTIMONY SILICATE SORBENT
FOR REMOVAL OF METAL IONS
Group Art Unit: 1724
Examiner: Ivars C. Cintins

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REPLY BRIEF PURSUANT
TO 37 CFR 41.41

The Examiner's Answer was mailed March 14, 2007. Applicant hereby submits the
Reply Brief, by and through his attorney, William J. Schramm.

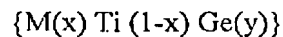
I. Claim 22 is not anticipated by BEDARD, United States patent 5,858,243**Claim 22 includes the phrase "consisting essentially of"**

On page 3 of the Examiner's Answer, the examiner states:

"Also, since applicant has not shown that the presence of titanium and the recited material would materially change the characteristics of Applicant's invention, the "consisting essentially of" language recited in line 2 of claim 22 has been construed as equivalent to comprising."

The appeal brief of applicant directly addressed this issue.

The '243 patent shows at column 2, lines 26 and 54 and in particular that portion of the formula disclosed below:



Titanium must always be present. For example, when y is the smallest amount, 0, then M and titanium are present in equal amounts. When y however is greatest, 0.75, then Ge plus titanium likewise are there.

The Declaration of Dr. Alan MINIHAN showed that poor results were obtained utilizing titanium doped antimony silicate. The conclusion reached by the declarant in paragraph seven states:

From these data it was concluded that Ti was an undesirable dopant for antimony silicate to be used for extraction of radioactive metals from acid solution and work on this dopant was not progressed.

The test results supplied clearly demonstrate to one of skill in the art that titanium is undesirable as a dopant for antimony silicate.

If titanium is undesirable, then the language "consisting essentially of" is pertinent, and it excludes titanium.

II Claims 2- 4, 17 – 19 and 22 were rejected under 35 USC 103 (a) as being unpatentable over the'243 patent

The examiner argues at the bottom of page 3, and the top of page 4:

"it would have been obvious to one of ordinary skill in the art at the time the invention was made to select a combination of antimony with niobium or tantalum as constituent "M".

This is the same argument as that under section 102. The reference does not disclose the claimed invention when taking into account the words "consisting essentially of."

Titanium is an absolute requirement of the' 243 reference, and it is an undesirable material in the claimed invention.

III Claims 7, 9, 10, 20 and 21 are rejected under 35 USC 103 (a) as being unpatentable over the'243 reference and further in view of U.S. patent 5,888,398 (Dietz et al.).

It is to be noted that for this rejection to be applied that the' 243 reference must be applicable. It is applicant's positioned that the reference is not applicable. The examiner stated at the bottom of page 4:

"... it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat a nuclear waste stream of the type recited... by the process of Bedard..."

The process of Bedard is not applicable. The material disclosed requires titanium which is not in Applicant's claims.

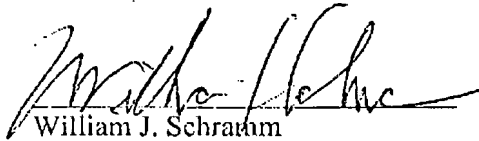
The references are not properly combinable. The' 243 reference does not disclose the use of acidic material. The secondary reference utilizes a highly complex organic material. The disclosures therefore are significantly different.

SUMMARY

It is respectfully submitted that all claims are patentable for the reasons outlined above. It is believed that no fee is due. Authorization is hereby given to charge any additional fees to applicants' attorney's Deposit Account No 50-3865.

Respectfully submitted,

William J. Schramm, P.C.



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Date: April 25, 2007